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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,624	08/25/2003	Robert Hoffman	ANDIP035	5322
22434	7590	04/30/2008	EXAMINER	
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2616	
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			04/30/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,624	HOFFMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CLEMENCE HAN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 1-29 and 31-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Morgan et al. (US Pub. 2003/0076849).

Regarding claim 1, 11, 22 and 23, Morgan teaches a method of allocating queues in a network device, the method comprising: receiving a packet at an ingress port of the network device [0006], [0008], making a classification for an incoming packet [0027], the classification comprising at least one of an egress port number or an ingress port number [0032]; determining whether a previously-allocated queue exists for the classification [0049]; allocating, at the ingress port, a queue for the classification when no previously-allocated queue exists for the classification [0011]; storing information relating to the packet in the allocated queue [0006], [0008]; and after the storing step, scheduling the packet for transmission between the ingress port and one of a plurality of egress ports of the network device [0037].

Regarding claim 2 and 12, Morgan teaches the queue is associated with an ingress port of the network device [0008], [0032].

Regarding claim 3 and 13, Morgan teaches the queue is a virtual output queue [0053].

Regarding claim 4 and 14, Morgan teaches detecting when a previously-allocated queue is empty; and de-allocating the empty previously-allocated queue [0043], [0053].

Regarding claim 5 and 15, Morgan teaches the queue is associated with an ingress port [0008].

Regarding claim 6 and 16, Morgan teaches the classification is based on a packet source, a packet destination or a packet priority [0062].

Regarding claim 7 and 17, Morgan teaches the classification comprises a priority number [0051].

Regarding claim 8 and 18, Morgan teaches the determining step comprises addressing a memory that indicates whether the classification corresponds to a previously-allocated queue [0034].

Regarding claim 9 and 19, Morgan teaches updating a memory when a queue is de-allocated, wherein the memory indicates whether the classification corresponds to the previously-allocated queue [0034].

Regarding claim 10, 20 and 21, Morgan teaches the network device further comprises a free list that indicates queues available for allocation and wherein the method further comprises updating the free list when the previously-allocated queue is de-allocated [0053].

Regarding claim 24, Morgan teaches the memory is a content addressable memory [0034].

Regarding claim 25, Morgan teaches the memory is a random access memory [0034].

Regarding claim 26, Morgan teaches a method of allocating queues in a network device, the method comprising: receiving a first packet at an ingress port of the network device [0006], [0008]; making a first classification for the first packet [0018], the first classification comprising at least one of a first egress port number or a first ingress port number [0032]; allocating , at the ingress port, a first queue for the first classification [0011]; storing information relating to the packet in the allocated queue [0006], [0008]; and after the storing step, scheduling the first packet for transmission between the ingress port and one of a plurality of egress ports of the network device [0037]; receiving a second packet [0043], [0044]; making a second classification for the second packet [0043], [0044], the second classification comprising at least one of a second egress port number or a second ingress port number [0032]; and determining whether the first classification is the same as the second classification [0043], [0044].

Regarding claim 27, Morgan teaches the step of allocating a second queue, different from the first queue, when the first classification is different from the second classification [0043], [0044].

Regarding claim 28, Morgan teaches a step of assigning the second packet to the first queue when the first classification is not different from the second classification [0046].

Regarding claim 29, Morgan teaches determining a first number of packets that an ingress port of the network device can receive [0040], [0041]; and allocating a second number of physical queues for the ingress port, wherein the second number is less than or equal to the first number [0044]-[0046].

Regarding claim 31, Morgan teaches identifying a category for each packet arriving at the ingress port; correlating the category to an existing physical queue; and storing packet information in the existing physical queue [0018].

Regarding claim 32, Morgan teaches identifying a category for each packet arriving at the ingress port; and assigning the category to a physical queue, wherein the network device allocates a new physical queue only when there is no existing physical queue for the category [0043], [0044].

Regarding claim 33, Morgan teaches the packet information comprises control information selected from a list consisting of destination information, source information, priority information, payload type information and payload size information [0062].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Jenne et al. (US Pub. 2003/0126223).

Regarding claim 30, Morgan teaches determining a first number of packets that an ingress port of the network device can receive [0040], [0041]; and allocating a second number of physical queues for the ingress port, wherein the second number is less than or equal to the first number [0044]-[0046]. Morgan, however, does not teach the network device operates according to a Fibre Channel protocol and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port. Jenne teaches the network device operates according to a Fibre Channel protocol [0018] and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port [0006]. It would have been obvious to one skilled in the art to modify Morgan to be with the network device operates according to a Fibre Channel protocol [0018] and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port as taught by Jenne in order to provide end-to-end congestion control [0003].

***Response to Arguments***

5. Applicant's arguments with respect to claim 1-33 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENCE HAN whose telephone number is (571)272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. H./  
Examiner, Art Unit 2616

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2616